

Remarks

This is in response to the Office Action dated February 14, 2007.

Claims 2, 3, 6, 15, 18, 20, 21, 23 and 31-35 are pending in the application. Pursuant to the Office Action, each of the pending claims is rejected. Specifically, claims 31-35, 2-3, 6, 15, 18, 20-21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Updike U.S. 3,762,586 in view of Szinte U.S. 5,833,428.

Turning to the rejection of the claims over Updike in view of Szinte, Updike discloses a refuse collection vehicle which has a boom assembly mounted on the front of the vehicle so that it may grasp collection carts and deposit their contents into an intermediate refuse collection container. Specifically, the boom assembly is secured to a "control unit" which is mounted in a slot on the front of the vehicle.

In Szinte, the receptacle-engaging assembly 110 is mounted to a "kicker" 132 (best seen in Fig. 6) which "extends perpendicular to arm 130 to provide dumping assembly 106 with a generally L-shaped configuration." See column 7, lines 54-56. Because of this L-shaped configuration, the lifter of Szinte has only one conceivable storage position, which would be curb-side, as shown in Figs. 2 and 3, except with the grip arms 152(a), 152(b) retracted so that the gripper arms are essentially flush or adjacent with the "kicker." The receptacle lifter, as seen in the figures of Szinte, lies along the curb-side lateral face of the intermediate collection container, generally perpendicular to the base 112 and elongated beam 114 identified by the Examiner.

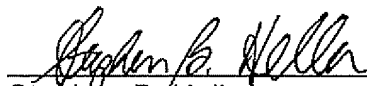
In contrast, each of the independent claims of the present application requires a receptacle lifter to have a "stored position generally adjacent to the front end of the

vehicle substantially between the lift forks" of the collection vehicle. The lifter support or "kicker" of Szinte can never attain a comparable stored position. The particular configuration of Szinte is needed for its function, and it cannot be combined with Updike to achieve the claimed invention without substantial modification. Accordingly, the combination of Updike and Szinte does not provide the claimed invention. Thus, Applicant respectfully submits that the claimed invention is not obvious over the combination of Updike and Szinte.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

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